IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 128 OF 2007
IN
FIRST APPEAL NO. 126 OF 2007

SMT. SATYAVATI TUKARAM SALGAONKAR
AND 13 ORS., ... Applicants

Versus

MAXIMIANO DONATO ZUZARTE BOCARRO
REP BY ATTORNEY MARIA SANTANA
LILIA ZUZARTO BOCARRO AND 9 ORS., ... Respondents

Mr. Nitin Sardessai,Advocate for the applicant.
Mr. A. F. Diniz, Advocate for the respondent No.1.

Coram:- R. S. MOHITE, J.

Date:- 27th July, 2007

P.C.

Heard both sides. The ad interim order which had been passed to continue. First appeal has been admitted. I have perused the oral evidence and the documentary evidence.

It appears that on the survey record, the name of predecessor-in-title of the present defendant No.1 to 8 appears by mutation entry No.1600. Admittedly such mutation entry was not produced before the Court by both the sides. The original Portuguese documents do not indicate the area of the land known as 'Tarachi Pat.'

In this view, there will be interim relief in terms of prayer clause (a) subject to the condition that the appellants will not create any third party

rights on the disputed survey no. 175/29 and also will not change the user and effect any construction thereon till the disposal of the appeal.

R. S. MOHITE, J.

SMA